

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CENTEX HOMES dba CENTEX REAL ESTATE CORPORATION, a Nevada general partnership; CENTEX CONSTRUCTION OF NEW MEXICO, LLC, a foreign limited liability company; PULTE DEVELOPMENT NEW MEXICO, INC., a Michigan corporation,,

Plaintiffs,

v.

PELEUS INSURANCE COMPANY, a Virginia corporation; CENTRAL MUTUAL INSURANCE COMPANY, an Ohio corporation; HDI GLOBAL SPECIALTY SE fka INTERNATIONAL INSURANCE OF HANNOVER, a New York corporation; SENTINEL INSURANCE COMPANY, LTD, a Connecticut corporation; COLORADO CASUALTY COMPANY, a New Hampshire corporation; THE CINCINNATI INSURANCE COMPANY, an Ohio corporation; THE CINCINNATI CASUALTY COMPANY, an Ohio corporation; DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY, a Pennsylvania corporation; HARTFORD CASUALTY INSURANCE COMPANY, a New Jersey corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; FIRST MERCURY INSURANCE COMPANY, a Delaware corporation; CENTURY SURETY COMPANY, an Ohio corporation; UNITED SPECIALTY INSURANCE COMPANY, a Delaware corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; GEMINI INSURANCE COMPANY, a Delaware corporation; WESTFIELD INSURANCE COMPANY, an Ohio corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY &

Case No. 1:22-cv-00037-KWR-KK

The Hon. Kea W. Riggs

**ORDER GRANTING STIPULATION TO
DISMISS PLAINTIFFS' CLAIMS
AGAINST DEFENDANT GEMINI
INSURANCE COMPANY AND
DEFENDANT'S COUNTER-CLAIM
AGAINST PLAINTIFFS (ECF 176)**

LIABILITY COMPANY, a Texas corporation; STARR SURPLUS LINES INSURANCE COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation; OHIO SECURITY INSURANCE COMPANY, a New Hampshire corporation; UNION STANDARD INSURANCE COMPANY, a Texas corporation; BITCO GENERAL INSURANCE CORPORATION fka BITUMINOUS CASUALTY CORP., an Iowa corporation,

Defendants.

AND RELATED COUNTER-CLAIMS

ORDER GRANTING STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT GEMINI INSURANCE COMPANY AND DEFENDANT'S COUNTER-CLAIM AGAINST PLAINTIFFS (ECF 176)

PURSUANT TO the *Stipulation to Dismiss Plaintiffs' Claims Against Defendant Gemini Insurance Company (ECF 1)* and *Defendant's Counter-Claim Against Plaintiffs (ECF 69)*, filed on **January 23, 2023** (ECF 176),

IT IS HEREBY ORDERED that Plaintiffs' claims against Defendant Gemini Insurance Company, in the instant matter, Case No. 1:22-cv-00037-KWR-KK, are **DISMISSED WITH PREJUDICE**. Additionally, Defendant/Counter-Claimant Gemini Insurance Company's claims against Plaintiffs/Counter-Defendants Centex Homes dba Centex Real Estate Corporation, Centex Construction of New Mexico, LLC, and Pulte Development New Mexico, Inc. in Counter-Claimant's Counterclaim for Declaratory Relief are **DISMISSED WITH PREJUDICE**. Each party shall bear their own attorneys' fees and costs.

IT IS SO ORDERED.

DATED: January 23, 2023 (01/23/2023)



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED BY:

PAYNE & FEARS LLP

By: /s/ Sarah J. Odia
Sarah J. Odia, Esq.
Admitted Pro Hac Vice
4 Park Plaza, Suite 1100
Irvine, California 92614
Telephone: (949) 851-1100
Facsimile: (949) 851-1212
sjo@paynefears.com
Attorneys for Plaintiffs